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ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVIDA KESHA BLAINE,

Defendant.

CR 18-07-BLG-SPW

OFFER OF PROOF

The defendant, Davida Kesha Blaine, is charged by indictment with two counts of distribution of methamphetamine, in violation of 21 U.S.C. § 841(a)(1).

PLEA AGREEMENT

Blaine will plead guilty to count I of the indictment. The United States presented all formal plea offers to Blaine in writing. The plea agreement entered into by the parties and filed with the Court represents, in the government's view, the most favorable offer extended to Blaine. *See Missouri v. Frye*, 566 U.S. 134, 145-46 (2012).

ELEMENTS OF CHARGE

In order for Blaine to be found guilty of distribution of methamphetamine, as charged in count I of the indictment, the United States must prove each of the following elements beyond a reasonable doubt:

First, the defendant knowingly distributed methamphetamine; and

Second, the defendant knew that it was methamphetamine or some other prohibited drug.

Although not a formal element, the United States would have to prove beyond a reasonable doubt that the defendant distributed five grams or more of actual methamphetamine.

PENALTY

The offense carries a maximum sentence of a mandatory minimum five years to forty years of imprisonment, a \$5,000,000 fine, at least four years of supervised release, and a \$100 special assessment.

ANTICIPATED EVIDENCE

If this case were tried in United States District Court, the United States would prove the following:

At the beginning of August 2017, a federal agent, working in an undercover capacity, made contact with Blaine via cellular telephone and developed a relationship with her. The agent obtained Blaine's telephone number from a cooperating source of information.

On August 2, 2017, the agent purchased approximately 25 grams of actual methamphetamine from Blaine for \$900 at an agreed upon location in Billings. A second purchase of approximately 29 grams of actual methamphetamine for \$1800 took place on August 10, 2017.

On August 15, 2017, a state search warrant was executed on Blaine's vehicle and motel room. In the driver's side door pocket, law enforcement seized a handgun. Blaine drove this same vehicle to the two sales that she made to the federal agent. Blaine had only a user amount of methamphetamine in the vehicle (approximately a gram)

DATED this 14th day of March, 2018.

KURT G. ALME
United States Attorney

/s/ Lori Harper Suek
LORI HARPER SUEK
Assistant U.S. Attorney